

SO ORDERED



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In re:

Nahid Ahmadpour,

Debtor.

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Case No. 18-11248-WIL

Chapter 7

**ORDER DENYING MOTION TO COMPEL ORDER AUTHORIZING
2004 EXAMINATION OF DEBTOR**

Before the Court is creditor Nationwide Registry & Security, Ltd.'s Motion to Compel Order Authorizing 2004 Examination of Debtor (the "Motion") and the Debtor's Opposition thereto. For the following reasons, the Motion is DENIED.

Federal Rule of Bankruptcy Procedure 2004 authorizes the court, upon the motion of a party in interest, to order the examination of any entity. Fed.R.Bankr.P. 2004(a). A Rule 2004 examination allows a broad "fishing expedition" into an entity's affairs that may be properly employed as a pre-litigation device for assessing whether grounds exist to commence an action. *In re Szadowski*, 198 B.R. 140, 141 (Bankr. D.Md. 1996). However, once an adversary proceeding is initiated, discovery under Rule 2004 is no longer available on matters related to the adversary proceeding, and discovery of such matters must proceed in accordance with the Federal Rules of

Civil Procedure. *In re Madeoy*, 2015 WL 4879960, at *7 (Bankr. D.Md. 2015) (citing *Szadowski*, 198 B.R. at 142-43).

Here, Nationwide filed this Motion on February 20, 2018. ECF 32. However, on February 12, 2018, Nationwide had already commenced an action to determine dischargeability and objecting to Debtor's discharge in Adversary Case 18-00039 (the "Adversary Proceeding"). Because the Adversary Proceeding was initiated prior to Nationwide seeking a 2004 Examination, discovery under Rule 2004 is no longer available, and discovery must proceed in the Adversary Proceeding in accordance with the Federal Rule of Civil Procedure.

For these reasons, it is, by the United States Bankruptcy Court for the District of Maryland, hereby

ORDERED, that the Motion is DENIED.

cc: Debtor – Nahid Ahmadpour
Debtor's Counsel – Kevin D. Judd
Movant – Nationwide Registry & Security Ltd.
Movant's Counsel – Fitzgerald Lewis
Chapter 7 Trustee – Laura J. Margulies

End of Order